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Atty. Dkt. No. 016915-0244

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerd GEISSLINGER et al.

Title: USE OF R-ARYL PROPIONIC ACIDS FOR PRODUCING  
MEDICAMENTS TO TREAT DISEASES IN HUMANS AND  
ANIMALS, WHEREBY SAID DISEASES CAN BE  
THERAPEUTICALLY INFLUENCED BY INHIBITING THE  
ACTIVATION OF NF-kB

Appl. No.: 09/914,270

Filing Date: September 24, 2001

Examiner: Shengjun WANG

Art Unit: 1617

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

01/04/2006 JADD01 00000056 09914270

01 FC:1806

180.00 OP

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(d) after the mailing date of the final action under 37 CFR §1.113. Accordingly, pursuant to 37 CFR §1.97(d), a statement and fee are required.

**RELEVANCE OF EACH DOCUMENT**

In a counterpart Canadian application, a Canadian Office Action issued on October 3, 2005. The Canadian Patent Office made certain characterizations of the references.

The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Canadian Office Action.

Applicants wish to advise the Examiner that U.S. Patent No. 5,200,198 cited in the Canadian Office Action was cited by the U.S. Examiner in the Office Action dated May 7, 2003, and that WO 98/09603 was previously submitted with an Information Disclosure Statement dated October 31, 2001; therefore, they are not cited herewith.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to  
Deposit Account No. 19-0741.

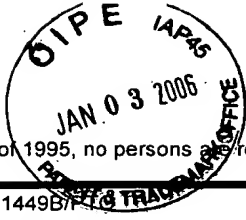
Respectfully submitted,

Date January 3, 2006

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479



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MODIFIED PTO/SB/08 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449B</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: 01/03/2006  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/914,270
				Filing Date	September 24, 2001
				First Named Inventor	Gerd GEISSLINGER
				Group Art Unit	Shengjun WANG
				Examiner Name	1617
				Attorney Docket Number	016915-0244

#### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,331,000		YOUNG ET AL.	07-19-1994	

#### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A2	CA	2,287,501	A1	PAZ ARZNEIMITTEL- ENTWICKLUNGSGESELLS CHAFT MBH	10-29-1998		

#### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.